REMARKS

In the present application, claims 1-11 and 13-30 are pending. Claims 1, 15, 28 and 29 are independent claims from which claims 2-11 and 13-14, 16-27 and 30 respectively depend. Claims 1, 5, 8, 14-15, 23 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann, U.S. Patent No. 6,363,356 in view of Newman et al., U.S. Patent No. 5,983,245 and further in view of Chanos et al. US 2002/01020507A1. Claims 2-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Carolan, U.S. Patent No. 6,753,887 and further in view of Chanos. Claims 6-7 and 24-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bates et al, U.S. Patent No. 6,037,935 and Chanos. Claims 9-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Philyaw, U.S. Patent No. 6,636,896 and Chanos. Claims 11 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Chanos, U.S. Patent Application No. 2002/0120507A1. Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bukszar (U.S. Patent No. 6,133,916) and Chanos. Claims 17-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horstmann in view of Newman and further in view of Bukszar and further in view of Philyaw and Chanos. Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis et al (U.S. Patent No. 5,835,732 in view of Newman and further in view of Chanos. Upon entry of this amendment, claims 1, 15, 28 and 29 will have been amended. Support for the amendments can be found in the original application as filed on page 3 lines 12 to 24, page 7 lines 16-19, page 17 lines 10-15, page 24 line 26 to page 25 line 12, and elsewhere in the specification. No new matter has been added.

While Applicants do not agree with the grounds for rejection and responses to argument, in the interest of furthering prosecution, Applicants have amended the independent claims to more particularly point out the invention, which renders the stated grounds for rejection moot. Applicants respectfully submit that the claims, as amended, define over the prior art.

27. (Original) A computer-readable medium having computer-executable instructions to perform the method of claim 15.

28. (Currently Amended) A method for distributing a variation of software through one of a plurality of entities, comprising:

providing a standardized version of software from a first entity and an indication that said standardized version of software is to be branded, said first entity comprising a distributor of content to be rendered by a content-rendering program, the content-rendering program comprising a content-shopping feature for purchasing content to be rendered; and

providing a customized version of said software as a function of one of a plurality of entities, said customized version of said software being branded by placing said first entity first in a list of content-providing entities displayed in the content-shopping feature of said content-rendering program, a supplier of said computer program controlling which content-providing entities are displayed in said list based on agreements between said supplier and said content-providing entities.

29. (Currently Amended) A system for branding a computer program comprising:

a first computing device which comprises:

a memory which stores branding instructions for one of a plurality of entities;

a network interface communicatively coupled to a computer network; and

logic which communicates one of a plurality of sets of branding instructions to a second computing device through said network interface, said one of said plurality of sets of branding instructions comprising instructions to place a first entity first in a list of content-providing entities displayed in a content-shopping feature of a content-rendering program, a supplier of said computer program controlling which content-providing entities are displayed in said list based on agreements between said supplier and said content-providing entities.

30. (Original) The system of claim 29, wherein said logic causes said instructions to be stored on a second computing device.

Claim Rejections – 35 U.S.C. 103

Claims 1, 5, 8, 14-15, 23 and 27 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Chanos. Applicants submit that claim 1 and the claims that depend therefrom are allowable because neither Horstmann nor Newman nor Chanos disclose or suggest all the features of Applicants' amended claim 1.

Amended claim 1 recites:

> A method of branding a computer program comprising the acts of:
>
> receiving an indication that a first copy of a computer program has been downloaded to a first computing device and that said first copy is to be branded with information associated with a first entity, the first entity comprising a distributor of content to be rendered by the computer program, the computer program comprising a content-rendering and a content-shopping feature;
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> transmitting first data indicative of said first entity to said first computing device, said first data indicating that said first copy is to be branded with information associated with the first entity;
>
> receiving said first data from said first computing device; and
>
> providing first branding instructions to said first computing device in response to receiving said first data, said first branding instructions comprising placing said first entity first in a list of electronic content-providing entities displayed on said first computing device in the content-shopping feature of the computer program, *a supplier of said computer program controlling which content-providing entities are displayed in said list based on agreements between said supplier and said content-providing entities.*

(emphasis added).

Neither Horstmann nor Newman nor Chanos, alone or in combination disclose or suggest at least the non-obvious italicized features of amended claim 1. Horstmann discloses a mechanism whereby a referrer may be identified at the time of purchase in a download-then-pay system. A referrer identifier is added to software when the software is downloaded. When purchased, the referrer identifier is retrieved from the computer to which the content was downloaded. "Marking the software product with the identity of the referrer ensures that credit is given to the referrer when and if the software product is purchased." (See Horstmann column 3, lines 5-8). Newman discloses a method for generating universal resource locator links in a graphical user interface based HTML file. Once a picture object or text is selected, a menu is presented of the most recently used URLs. Chanos discloses an

advertisement that enables a consumer to find, request or send information related to an advertised product or service.

In contrast, in Applicants' claim 1, in response to branding instructions associated with a distributor of content to be rendered by downloaded content-rendering/content-shopping software, the distributor is displayed first in a list of electronic content-providing entities displayed in the content-shopping feature of the computer program. Furthermore, which entities are displayed in the list is controlled by the supplier of the content-rendering/content-shopping software based on agreements between the supplier and the entities providing content.

Similarly, Applicants' amended claim 15 recites analogous features. Hence, for the reasons cited above, Applicants respectfully request the withdrawal of the § 103 rejections of claims 1 and 15, and claims 5, 8, 14, 23 and 27 which depend therefrom.

Claims 2-4 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Carolan and Chanos. Applicants submit that claims 2-4 are allowable as depending from allowable claim 1 for the reasons described above. Carolan does not cure the deficiencies of Horstmann, Newman and Chanos. Carolan describes a method to enable branding indicia of a selected ISP to be presented through a user interface associated with client software. As neither Horstmann, Newman, Carolan nor Chanos alone or in combination disclose or suggest all the features of Applicants' amended claim 1, from which claims 2-4 depend, Applicants submit that claims 2-4 are allowable and request the withdrawal of the 103 rejection of claims 2-4.

Claims 6-7 and 24-26 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bates and Chanos. Applicants submit that claims 6-7 are allowable as depending from allowable claim 1 and claims 24-26 are allowable as depending from allowable claim 15 for the reasons described above. Bates does not cure the deficiencies of Horstmann, Newman and Chanos. Bates is directed to a web page exploration indicator that displays to a user the degree of exploration for a web page or for one or more links on a web page. Bates does not disclose or suggest at least "providing first branding instructions to said first computing device in response to receiving said first data, said first branding instructions comprising placing said first entity first in a list of electronic content-providing entities displayed on said first computing device, a supplier of said computer

program controlling which content-providing entities are displayed in said list based on agreements between said supplier and said content-providing entities." as recited by amended claim 1 and analogously in claim 15. As neither Horstmann, Newman, Bates nor Chanos disclose or suggest all of the above discussed features of Applicants' claims 1 and 15, from which claims 6-7 and 24-26 depend, Applicants submit that claims 6-7 and 24-26 are allowable and request the withdrawal of the 103 rejection of these claims.

Claims 9-10 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Philyaw and Chanos. Applicants submit that claims 9-10 are allowable as depending from allowable claim 1 for the reasons described above. Philyaw does not cure the deficiencies of Horstmann and Newman. Philyaw discloses a method for connecting a user PC on a user node on a primary network to a remote node on the network. As neither Horstmann, Newman, Philyaw nor Chanos disclose or suggest all of the features of Applicants' amended claim 1, from which claims 9-10 depend, Applicants submit that claims 9-10 are allowable and request the withdrawal of the 103 rejection of these claims.

Claims 11 and 13 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Chanos. Applicants submit that claims 11 and 13 are allowable as depending from allowable claim 1 for the reasons described above. As neither Horstmann, Newman nor Chanos disclose or suggest all of the features of Applicants' amended claim 1, from which claims 11 and13 depend, Applicants submit that claims 11 and 13 are allowable and request the withdrawal of the 103 rejection of these claims.

Claim 16 has been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bukszar and Chanos. Applicants submit that claim 16 is allowable as depending from allowable claim 15 for the reasons described above. Bukszar does not cure the deficiencies of Horstmann, Newman and Chanos. Bukszar discloses a system for displaying and accessing information such as HTML web pages. As neither Horstmann, Newman, Bukszar nor Chanos disclose or suggest all of the features of Applicants' claim 15, from which claim 16 depends, Applicants submit that claim 16 is allowable and request the withdrawal of the 103 rejection of this claim.

Claims 17-22 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Bukszar and further in view of Philyaw and Chanos. Applicants submit that claims 17-22 are allowable as depending from allowable claim 15 for

the reasons described above. As described above, neither Bukszar nor Philyaw cure the deficiencies of Horstmann and Newman. As neither Horstmann, Newman, Bukszar, Philyaw nor Chanos, alone or in combination, disclose or suggest all of the above discussed features of Applicants' claim 15, from which claims 17-22 depend, Applicants submit that claims 17-22 are allowable and request the withdrawal of the 103 rejection of these claims.

Claim 28 has been rejected as unpatentable over Kikinis et al. in view of Newman and Chanos. Amended claim 28 recites:

> A method for distributing a variation of software through one of a plurality of entities, comprising:
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> providing a standardized version of software from a first entity and an indication that said standardized version of software is to be branded, said first entity comprising a distributor of content to be rendered by a content-rendering program, the content-rendering program comprising a content-shopping feature for purchasing content to be rendered; and
>
> providing a customized version of said software as a function of one of a plurality of entities, said customized version of said software being branded by placing said first entity first in a list of content-providing entities displayed in the content-shopping feature of said content-rendering program, *a supplier of said computer program controlling which content-providing entities are displayed in said list based on agreements between said supplier and said content-providing entities.*

(emphasis added). Kikinis describes a vending machine that dispenses software to a PDA in one of several modes. The version of software dispensed to the PDA may be based on a unique feature of the PDA, such as serial number or other code. Newman discloses a method for generating universal resource locator links in a graphical user interface based HTML file. Once a picture object or text is selected, a menu is presented of the most recently used URLs. Chanos discloses an advertisement that enables a consumer to find, request or send information related to an advertised product or service.

As neither Kikinis, Newman nor Chanos, alone or in combination disclose or suggest at least the non-obvious, italicized features of Applicants' claim 28, Applicants respectfully request the withdrawal of the 103 rejection of claim 28.

Claims 29-30 have been rejected as being unpatentable over Horstmann in view of Newman and further in view of Carolan and Chanos. Independent claim 29 recites features analogous to those recited in claim 1, hence Applicants submit that claim 29 is allowable as is

claim 30 which depends therefrom and respectfully request the withdrawal of the 103 rejection of claims 29 and 30.

DOCKET NO.: MSFT-0262/155698.01
Application No.: 09/839,784
Office Action Dated: August 25, 2005

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

Date: November 22, 2005

Susan C Murphy

Susan C. Murphy
Registration No. 46,221

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439